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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/582,740

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EXAMINER

LAMB, BRENDA A

ART UNIT

PAPER NUMBER

1792

MAIL DATE

DELIVERY MODE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,740	Applicant(s) UEBERSCHAR, MANFRED	
	Examiner Brenda A. Lamb	Art Unit 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/13/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 22-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The recitation in claim 1 that in the preamble of a device for the application of at least two liquid application media onto both sides of a moving surface having a curtain application wherein the moving surface is a transfer surface is confusing since it is unclear how the curtain applicator as shown in Figure 1 can coat both sides of a transfer surface such as applicator roll. It is unclear what the term “the device” at line 2 of claim 37 is referring to – “application device”, “collection device” or “device for the application of at least two liquid application media to one or both sides of a moving surface”.

Claims 22-43 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. The omitted elements are: the curtain applicator.

Applicant in the preamble has claimed a device for the application of at least two liquid application media onto one or both sides of a moving surface yet it is clear from the specification that the collection device taken alone or the collection device taken in combination with a discharge device or lower collection device is incapable of applying of at least two liquid application media onto one or both sides of a moving surface.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 22 is rejected under 35 U.S.C. 102(b) as being anticipated by Kozak 5,105,758.

Kozak teaches the design of a device wherein the device is comprised of a collection device for separate collection of coating wherein the collection device is movable via retraction means 54 relative the applicator or curtain coater and is movable between the substrate and applicator as shown in Figure 6. Kozak teaches every element of the claimed apparatus as set forth in claim 22.

Claims 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozak 5,105,758 in view Koepke et al 4,479,987.

Kozak is applied for the reasons noted above but fails to teach a lower collecting device arranged under the material web. However, it would have been obvious to modify the Kozak apparatus by omitting the plastic shim 50 on catch pan 30 and substituting its edge guides with another known curtain edge guide assembly which includes a lower collecting device arranged under the material web such as taught by Koepke et al for the obvious advantage of separately collecting for re-use the auxiliary

liquid along with obviously a portion of the coating along the lateral edges of the curtain from the coating which is collected across the entire width of the curtain.

Claims 23-27 and 37-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kozak 5,105,758 in view Takahashi et al 5,885,659.

Kozak is applied for the reasons noted above but fails to teach a discharge device assigned to the collecting device. However, it would have been obvious to modify the Kozak apparatus by providing a discharge pipe or discharge device assigned and integrally associated with the collecting device or catch pan such as shown by Takahashi et al for the obvious advantage of recycling coating. Thus claims 23 and 38 are obvious over the above cited references. Further, with respect to claim 39, it would have been prima facie obvious given the modifications of the Kozak apparatus as discussed above to construct the discharge device or discharge pipe and collecting device or catch pan such that they are formed from separable elements rather than integrally formed for the obvious reason to facilitate maintenance and especially since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. With respect to claim 40, Kozak shows in Figure 3 that the collecting device is movable in opposite directions as indicated by the arrows. With respect to claim 41-42, Kozak fails to teach a lower collecting device arranged under the material web. However, it would have been obvious to modify the Kozak apparatus by providing a lower collecting device arranged under the material web such as taught by Takahashi et al for the obvious advantage of enabling one to collect excess coating for recycling. With respect to claim

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24, it would have been prima facie obvious given the modifications of the Kozak apparatus as discussed above to modify the collecting device by providing it with a plurality of discharge openings across the width of the collecting device and web rather than a single opening for the obvious advantage of facilitating flow across the width of the collecting device to the discharge device. With respect to claim 25, it would have been obvious given the modifications of the Kozak apparatus as discussed above to provide the lower bottom surface of the collecting device above the discharge openings with an incline since Takahashi et al shows arranging its collecting device in such a manner obviously to facilitate flow via gravity into lower collecting device. With respect to claims 26-27, the separate sections of the collecting device as defined by separating element (elements 32,34) are capable of holding only one of the at least two application media within the walls of each section. With respect to claim 37, Kozak apparatus as modified carries excess coating to a bottom side of the device that is one for application of at least two liquid application media to one or both sides of a moving surface.

Claims 28-36 and 43 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brenda A. Lamb whose telephone number is (571) 272-1231. The examiner can normally be reached on Monday-Tuesday and Thursday. The examiner can also be reached on alternate Wednesdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton, can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brenda A Lamb
Primary Examiner
Art Unit 1792

/Brenda A Lamb/

Primary Examiner, Art Unit 1792